**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR**

**:JUDGMENT:**

**Rajasthan Path Parivahan Nigam Shoshit Karyashala/ Karamchari Sangh, Jaipur** **Vs.** **The RSRTC & Anr.**

**D. B. Civil Special Appeal (W) No.356/2005** under Section 18 of the Rajasthan High Court Ordinance, 1949 against the judgment dated 29.3.2005 passed in S. B. Civil Writ petition No.1847/2005.

**Date of Judgment ::: January 24, 2007**

**PRESENT**

**Hon'ble Justice Mrs. Gyan Sudha Misra**
**Hon'ble Justice Mr. K. C. Sharma**

Mr. R.K. Mathur, for the appellant.
Mr. O.P. Sharma, for the respondents.

**By the Court:**

This appeal has been preferred against the order of the learned Single Judge dated 29.3.2005 by which the writ petition filed by the petitioner-appellant herein challenging the advertisement issued by the respondent for filling 150 posts of Artisan Gr.III had been dismissed. It was alleged therein that the advertisement is in clear violation of Section 25-H of the Industrial Disputes Act, 1947 and besides this, the

dispute regarding termination is still pending before the Tribunal and hence fresh process of appointment should not have been initiated.

It is an admitted position that the dispute in regard to termination of services of the members of the appellant – Karamchari Sangh, relating to 125 workmen, has already been referred by the State Government to the Industrial Tribunal, Jaipur and hence we are of the view that the learned Single Judge is justified in holding that the Tribunal will adjudicate upon all the issues including the issue as to whether there had been violation of Section 25-H of the Industrial Disputes Act, 1947 at the instance of the respondent. The order of the learned Single Judge thus suffers from no infirmity and hence this appeal stands dismissed at the admission stage itself.

[**K.C. Sharma**],**J.** [**Gyan Sudha Misra**],**J.**

/skm/